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Prevention of armed conflict

Comprehensive review of the whole question of peacekeeping operations in all their aspects

Letter dated 1 June 2006 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General

I have the honour to transmit the statement of the Ministry for Foreign Affairs of Georgia on comments made by an official spokesperson of the Ministry for Foreign Affairs of the Russian Federation on the current situation in Tskhinvali District/Former Autonomous Region of South Ossetia, dated 1 June 2006 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda items 12 and 32.

(*Signed*) Revaz **Adamia**
Ambassador
Permanent Representative

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Annex to the letter dated 1 June 2006 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General

Statement of the Ministry for Foreign Affairs of Georgia on comments made by an official spokesperson of the Ministry for Foreign Affairs of the Russian Federation

A large-scale anti-Georgian campaign carried out within the last few days in Russia achieved its culmination. This is particularly obvious against a background of undisguised threats against Georgia coming from the Ministry for Foreign Affairs and the Ministry of Defence of the Russian Federation.

Attempts to disorientate the international community were suspiciously activated within a period previous to the donors' conference planned to be held in Brussels. the implication is clear: the Russian side, accusing Georgia of attempts to renew provocative actions and armed resistance, is trying to suspend realization of the project for the economic rehabilitation of the Tskhinvali district, which represents one of the basic tools of confidence-building between the sides.

Speculations of the Russian side, related to the provision of visas to servicemen and the necessity of entering the territory of Georgia through the legitimate border checkpoints, are disgusting.

Serious inaccuracies in the comments made on 1 June 2006 by an official representative of the Ministry for Foreign Affairs of the Russian Federation compel us to give a detailed response to the accusations against the Georgian side.

At present, the only legitimate checkpoint, "Kazbegi-Zemo Larsi", is functioning at the Georgian-Russian State border. It was established in compliance with the provisions of article 1, paragraph 5, and article 5 of the Agreement on Checkpoints at the Customs Border signed by the Government of the Republic of Georgia and the Government of the Russian Federation on 8 October 1993. Therefore, any other checkpoints at the Georgian-Russian State border, including "Roki-Kvemo Zaramagi" are illegitimate.

At the same time, after the withdrawal of the Russian Federation from the Agreement on Non-Visa Movement of Citizens of the CIS Member States in the Territories of the Community (Bishkek, 9 October 1992), the visa regime was introduced between Georgia and the Russian Federation from 5 October 2000.

On 2 March 2001 Georgia and the Russian Federation, through an exchange of notes, concluded an Agreement which, on the basis of the 1 March 2001 Protocol of Negotiations on the Regime of Movement of Citizens of Georgia and the Russian Federation, prior to the signing of the Agreement on Movement of Citizens, determined the temporary rules on crossing the border for certain categories of citizens. This Agreement does not provide a non-visa regime for the presence in Georgia of citizens of the Russian Federation who staff the joint peacekeeping forces deployed in the Tskhinvali district/South Ossetia.

Therefore, taking into consideration the fact that an Agreement which grants certain privileges related to the border crossing rules to this category of citizens does not exist, the visa regime currently operating between Georgia and the Russian

Federation applies to the personnel of the joint peacekeeping forces in the Tskhinvali district.

Given the aforesaid, citizens of the Russian Federation who staff the joint peacekeeping forces are to obtain Georgian visas according to the rules established by international agreements and the legislation of Georgia and their entry to the territory of Georgia should be carried out only through the legitimate border checkpoints existing at the State border of Georgia.

The Georgian side, including the State Minister of Georgia for Conflict Resolution, Co-Chairman of the Joint Control Commission, G. Khaindrava, has repeatedly notified the Russian side on the aforesaid and proposed to hold negotiations with a view to creating a relevant legal basis.

Regrettably, the Russian side proceeds with disregarding the demands of the Georgian side and carrying out illegal unilateral actions in the Tskhinvali district/South Ossetia, which demonstrates that Georgia's aspirations for a large-scale political resolution are at odds with Russia's political plans.

Furthermore, if earlier the Russian Federation recognized Georgian territorial integrity and viewed the Tskhinvali district/South Ossetia as an integral part of Georgia, over which central jurisdiction does not apply temporarily, today, the official spokesperson of the Ministry for Foreign Affairs of the Russian Federation places a question mark, with respect to Georgia, over such major principles of international law as inviolability of territorial integrity, sovereign equality, non-interference in the internal affairs of States and fair fulfilment of international commitments.

With such statements the Russian Federation gives an outspoken indication that it is no longer a facilitator in the settlement of conflict in Tskhinvali district/South Ossetia and cannot exercise the impartiality which is an inherent part of this status.

Georgia agreed to the deployment of Russian peacekeepers in the conflict region on the sole condition that the Russian Federation would clearly and unambiguously recognize Georgia's territorial integrity. The official spokesperson of the Ministry for Foreign Affairs of the Russian Federation ought to be conversant with the fact that any revision of the principle of territorial integrity, in whatever form or style it is done, will alter substantially the essence of the peace operation and the status of the peacekeeping forces. besides, international law gives a clearly articulate definition of the deployment of armed forces on the territory of a sovereign State against its will.

It should also be noted that such attitude towards a neighbouring State and references to the principle of self-determination places under threat the territorial integrity of Russia itself, judging from Russia's historical experience.

The Ministry for Foreign Affairs of Georgia expresses a strong protest and calls upon the Russian side to refrain from unbalanced rhetoric and to accept a proposal on holding negotiations which will enable us to determine the route of movement for peacekeeping forces and bring the visa provision issues within the legal frameworks.